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Attorneys & Counselors at Law

September 9, 2004

Hon. Judith Dein, USMJ
U.S. District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: Holubar, et al., v Kholberger, et al.
03 CV 12404 (NG)

Dear Honorable Judge Dein:

This letter is provided in anticipation of a Motion purportedly filed by the Defendants but not yet received by the undersigned, nor docketed by ECF.

Accordingly, local counsel has informed me of the Motion's purported substance and the Defendants request that the return and hearing date be set for tomorrow, Friday, September 10, 2004.

Plaintiffs would respectfully inform the Court of their opposition to any such Motion as well as Defendants' demands that the Motion be returnable and heard on September 10, 2004 . . . which prejudices Plaintiffs disallowing any time to review, respond and/or oppose the same within the prescribed by the Federal Rules of Civil Procedure.

As such, Plaintiffs respectfully request the Court not to hear nor rule on the Defendants' possible pending Motion until such time as Plaintiffs are afforded due and proper time to review and then respond to the same.

Respectfully submitted,

Bjorn J. Holubar /s/

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cc: Kurt Bratten, Esq.; Curt Pfunder, Esq. – by email